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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,546	07/18/2001	Mitsugu Yoshihiro	450108-02834	5318

20999 7590 08/14/2003

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

KAPADIA, VARSHA A

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 08/14/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,546

Applicant(s)

YOSHIHIRO, MITSUGU

Examiner

Varsha A Kapadia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

This office action is responsive to the amendment filed on June 5, 2003.

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 5- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arimura et al in view of Yao et al (5, 802, 243).

With regards to claims 1, 5-6 and 8, Arimura et al discloses a magnetic tape recording/reproducing device comprising: driving means...a buffer memory... an interface... and driving control means...; and memory write/read means (see fig.1 , abstract and col.4 lines 1-24).

Arimura et al fails to further specify that the device is operable to perform a variable speed reproduction in which all of the video data recorded on the tape is reproduced by changing the tape running speed without changing the drum rotation speed.

Yao et al., however discloses a device wherein video data are recorded by the plurality of heads is reproduced by changing the tape running speed without changing the drum rotation speed (see fig.1 disclosure thereof and col.2 lines 10-15).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the recording/reproducing apparatus disclosed by Arimura et al with the above teachings from Yao et al in order to provide a recording/reproducing device having a

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capability to keep the drum speed unchanged while changing the tape running speed in order to provide a system with inexpensive and readily available tape transport and servo mechanisms, as taught by Yao et al.

With regards to claims 2-3 and 7, Arimura et al further discloses that the driving control means is controlled in such a manner that, when the data quantity stored in the buffer memory is larger than the predetermined value, the video tape running speed is lowered and vice versa. (see figs. 4A and 4B and col.5 line 50 to col.6 line 64; wherein Arimura et al also discloses the capability of temporarily suspending the running of the tape and re-starting the motion of the tape again when the data in the buffer becomes higher than the set value).

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arimura et al in view of Yao et al and further in view of Beavers et al (6,307,701).

With regards to claim 4, Arimura et al and Yao et al discloses the invention as described above in this office action. Arimura et al and Yao et al fails to further clarify that driving control means controls the driving means so that the video tape is returned by a fixed distance in the opposite direction to be ready for restarting the next recording after the running of the video tape temporarily brought to a stop.

Beavers et al however, disclose such a capability (see col.2 lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording/reproducing apparatus disclosed by Arimura et al and Yao et al with the above teachings from Beavers et al in order to provide a capability to return the video tape by a fixed distance, in an opposite direction to be ready to restart after it has brought to

temporary stop to allow enough space to accelerate to the forward operating speed, as taught by Beavers et al.

Response to Remarks

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A Kapadia whose telephone number is (703) 305-4198. The examiner can normally be reached on Mon-Wed from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (703) 308-4825. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 746-4959 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



VK
August 6, 2003



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600